

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR167

CHIN PHIPPS

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to trafficking in counterfeit goods, in violation of 18 U.S.C. § 2320. On February 19, 2008, defendant appeared before the Court for the purpose of entering her guilty plea. In the course of the proceeding, defendant acknowledged her understanding of the right to be indicted and expressly consented to proceeding on the criminal information of the United States Attorney. Defendant was represented by retained counsel, Robert Moody, IV, Esquire.

Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. Defendant is a native of Korea. Accordingly, an interpreter was used during the course of the proceeding. During the hearing, several questions arose, apparently from defendant's lack of understanding. The interpreter was able to assist defense counsel in helping defendant to understand the reason for each question, and defendant cooperated by candidly answering the questions. Defendant was courteous and appropriate in her behavior at all times and clearly understood the seriousness of her position. At the close of the proceeding, defendant was permitted to remain on bond, pending completion of a presentence report.

Defendant is fifty-three years of age, graduated from a university in Korea, and speaks Korean as her native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair her judgment. She was cooperative throughout the proceeding.

Defendant entered her guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her plea accurately reflects the government's evidence, in the event of trial. Some of the events in the government's case occurred after the store which defendant owned was sold. However, defendant acknowledged that the statement of facts was accurate and correctly reflected her role in the business.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/  
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James E. Bradberry  
United States Magistrate Judge

Norfolk, Virginia

February 21, 2008